

Radiation Safety Committee	Enforcement Actions
Standard Operating Procedure	

Background	<p>The Radiation Safety Committee (RSC) has the delegated authority to approve the use of radioactive materials and radiation emitting devices under the terms of License Numbers 19-00915-03 and 19-00915-06 issued to the Department by the Nuclear Regulatory Commission (NRC). Retention of approval to use radioactive materials and radiation emitting devices by an individual is contingent upon adherence to applicable NRC regulations and USDA policies. The following guidelines will be followed when an approved user violates regulations of conditions of use.</p>
Major Violations	<p>Major violations involve actual or potential excessive radiation exposure to personnel, the general public or the environment; willful and repeated negligence; or improper use of radioactive materials or or radiation emitting devices in such a manner as to lead to potential injury or liability. These violations are comparable in Severity to Level I, II, and III violations of NRC regulations as stated in 10 CFR 2, Appendix C.</p> <p>The following are examples of major violations:</p> <ul style="list-style-type: none"> • operating conditions that present an imminent danger of excessive human exposure; • significant deviation from an approved protocol; • failure to correct a prior violation; • transfer of radioactive materials or radiation emitting devices to an unapproved individual; • act of negligence that leads to excessive human exposure or environmental release; • act of negligence that leads to the loss of control or loss of security of radioactive material or radiation emitting devices. • multiple minor violations that indicate a lack of management oversight
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Enforcement Actions for Major Violations	<p>The following enforcement actions are available to the Radiation Safety Committee (RSC):</p> <ul style="list-style-type: none"> • issuing a written warning to the Permit Holder or user; • requiring additional training or certification; • requiring a change in a user's protocol or in location procedures to prevent a reoccurrence of the violation; • temporary suspension of approval to use radioactive materials or radiation emitting devices pending the findings of an investigation; • permanent suspension of a user's authorization to use radioactive materials or radiation emitting devices pending the findings of an investigation; <p>Note: The findings of the investigation may be referred to line management for appropriate action if the violations involve a flagrant disregard for regulations or safe operating procedures.</p>
Minor Violations	<p>Minor violations are administrative and procedural deficiencies that are less serious than major violations, but which can become serious if left uncorrected. The RSS staff may handle enforcement of minor violations without the involvement of the RSC, but the RSS may request involvement of the RSC if necessary. The following violations are comparable to Level IV and V violations defined by NRC regulations.</p> <ul style="list-style-type: none"> • failure to maintain proper survey or personnel exposure records; • failure to wear personal monitoring devices when required; • failure to submit required bioassay results or samples; • failure to return radioisotope receipt, use or disposal forms; and • failure to perform required laboratory surveys.
Enforcement Actions for Minor Violations	<p>The following enforcement actions are available to the RSS:</p> <p>First violation: Written notification of violation to the responsible user, Location Radiation Protection Officer, and Agency Radiation Safety Program Coordinator.</p>
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Enforcement Actions for Minor Violations (Con't)	<p>Second violation: Written notification of violation to the responsible user, Location Radiation Protection Officer, and location management and Agency Radiation Safety Program Coordinator.</p> <p>Third violation: Written notification of violation to the responsible user, Location Radiation Protection Officer, and location management and Agency Radiation Safety Program Coordinator.</p> <p>Potential suspension of authorization to use radioactive materials or radiation emitting devices, based on proposed corrective actions.</p> <p>Fourth violation: Escalation of severity level to major violation status with appropriate enforcement actions.</p>
Implementation of Enforcement Actions	<p>The USDA Radiation Safety Officer and the Chair of the Enforcement Subcommittee will make a preliminary determination of the Severity Level.</p> <p>A meeting of the Enforcement Subcommittee will be held as soon as practical to review major violations and third and fourth minor violations. The Enforcement Subcommittee will determine, and recommend to the RSC enforcement, actions that are appropriate for the nature and circumstances of the violation.</p> <p>The Chair, RSC, after consultation with the Enforcement Subcommittee, will notify Agency representatives of the enforcement actions.</p> <p>The Agency management will ensure that enforcement actions are implemented at the local level.</p> <p>The RSC will review the enforcement actions at the next scheduled meeting to ratify or modify the actions as the final authority.</p>
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Reinstatement and Appeals	<p>An individual whose permit has been suspended must apply for reinstatement of approval to use radioactive materials or radiation emitting devices after the conditions of the enforcement action are satisfied.</p> <p>The Enforcement Subcommittee will review the request to determine if the conditions of the enforcement actions have been adequately satisfied.</p> <p>The Chair, RSC, can reinstate the permit after consultation with the Enforcement Subcommittee.</p> <p>An individual may appeal recommendations of the Enforcement Subcommittee and actions of the Chair, RSC, and has the right to be present at the deliberations on the case.</p>
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Approved:

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